

**MEMO ENDORSED**

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June 18, 2018

BY ECF

The Honorable Valerie Caproni  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

RE: Merryman v. JPMorgan Chase Bank, N.A., No. 1:15-cv-09188-VEC

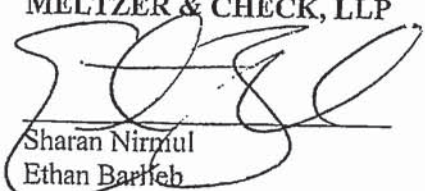
Dear Judge Caproni:

We represent the parties in the above-captioned action. As reflected in our May 4, 2018 letter, certain third-party discovery relating to class notice has been sought from Equiniti Trust Company ("Equiniti"). In a "So Ordered" stipulation signed by the Court on May 7, 2018, the Court extended the Protective Order in this action to Equiniti. The parties now respectfully request that the Court endorse the attached stipulation and proposed order making limited modification to the Protective Order in order to enable the parties to provide notice to the putative class members and notice in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715. All parties and Equiniti have executed the stipulation and proposed order and Defendant intends to provide the CAFA notice this week.

The parties are available at the Court's convenience to discuss any questions Your Honor may have.

Respectfully submitted,

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*Counsel for Defendant*

**UNITED STATES DISTRICT COURT**  
**FOR THE SOUTHERN DISTRICT OF NEW YORK**

BENJAMIN MICHAEL MERRYMAN, AMY  
WHITAKER MERRYMAN TRUST, B  
MERRYMAN AND A MERRYMAN 4TH  
GENERATION REMAINDER TRUST, and  
CHESTER COUNTY EMPLOYEES  
RETIREMENT FUND, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

Civil Action No. 1:15-cv-09188-VEC

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, Benjamin Michael Merryman, Amy Whitaker Merryman Trust and B Merryman and A Merryman 4th Generation Remainder Trust and Chester County Employees Retirement Fund (collectively, “Plaintiffs”) filed an Amended Complaint in this action on November 21, 2016 (the “Complaint”);

WHEREAS, Defendant JPMorgan Chase Bank, N.A. (“Defendant,” and collectively with Plaintiffs, the “Parties”) and Plaintiffs entered into a Stipulation and Protective Order, so ordered by the Court on April 7, 2017 (the “Protective Order”), which provides that material may be designated by the Parties as “Confidential” or “Highly Confidential”;

WHEREAS, pursuant to the Protective Order, material may be designated “Confidential” or “Highly Confidential” by third parties who “by joint stipulation of the Parties filed prior to any production, agree to be governed by [the] Protective Order”;

WHEREAS, material designated as Highly Confidential under the Protective Order may only be disclosed to certain enumerated categories of persons or entities;

WHEREAS, Plaintiffs served third party Equiniti Trust Company (“Equiniti”) with subpoenas to Produce Documents, Information, or Objects on March 2, 2018 and May 3, 2018 (the “Equiniti Subpoenas”), and in response Equiniti produced various documents (the “Equiniti Documents”);

WHEREAS, prior to production of the Equiniti Documents, the Parties and Equiniti entered a joint stipulation, so ordered by the Court on May 7, 2018, whereby Equiniti agreed to be bound by the Protective Order for the limited purpose of responding to the Equiniti Subpoenas;

WHEREAS, Equiniti designated the Equiniti Documents Highly Confidential under the Protective Order;

WHEREAS, Plaintiffs filed an Unopposed Motion for Preliminary Approval of Proposed Class Action Settlement on June 12, 2018;

WHEREAS, information found in the Equiniti Documents is required for administration of claims under the proposed class action settlement;

WHEREAS, pursuant to the Class Action Fairness Act of 2005, 28 U.S.C. § 1715, Defendant intends to provide notice of the proposed class action settlement to certain State and Federal officials (the “CAFA Notice Recipients”);

WHEREAS, such notice is required to include information found in the Equiniti Documents;

NOW, THEREFORE, it is hereby stipulated and agreed:



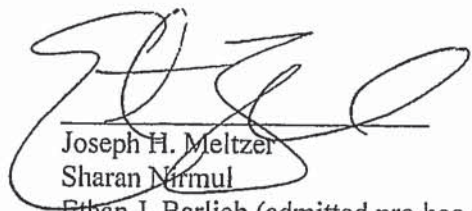
1. The Protective Order is modified so that the data provided by Equiniti, despite its designation as “Highly Confidential,” is nevertheless permitted to be used for the following limited purposes:

(a) Plaintiffs are permitted to use the Equiniti Documents and any information therein for the purpose of administering claims under the proposed class action settlement. Plaintiffs may share the Equiniti Documents with a claims administrator, including any employees or agents of such claims administrator, and disclose information found in the Equiniti Documents with potential members of the settlement class to the extent reasonably necessary in connection with the administration of the settlement.

(b) Defendant is permitted to disclose information contained in the Equiniti Documents to the CAFA Notice Recipients. Such information may include, but is not limited to, the names, addresses and relevant securities held by potential members of the settlement class. Determination of which individuals and entities shall be deemed CAFA Notice Recipients is within Defendant’s sole discretion. Defendant will request that the CAFA Notice Recipients keep the information derived from the Equiniti Documents confidential.

2. Except as provided herein, the Equiniti Documents shall remain Highly Confidential, and the Parties do not waive any rights under the Protective Order with respect to the Equiniti Documents or any other documents produced pursuant to the Protective Order.

SO STIPULATED AND AGREED.



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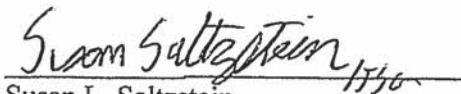
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*Attorneys for Non-Party Equiniti Trust  
Company*

SO ORDERED.

Dated: \_\_\_\_\_, 2018



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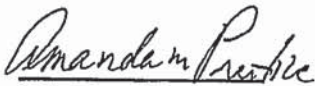
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VALERIE E. CAPRONI, U.S.D.J.

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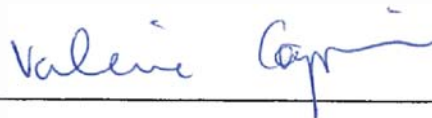
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